IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU**

**WRIT PETITION NO : 2009 of 2005**

Between:

1 P. Prabhavathi, W/o. Bapaiaha,
R/o. North Addanki, Addanki (M),
Prakasam District.
2 G. Peramma, W/o. Varaprasadarao,
R/o. North Addanki, Addanki (M),
Prakasam District.
3 V. Indira, W/o. Narasimharao,
R/o. North Addanki, Addanki (M),
Prakasam District.
4 G. Rajani, W/o. Srinivasarao,
R/o. North Addanki, Addanki (M),
Prakasam District.
5 N. Prameela, W/o. Vijay Kumar,
R/o. North Addanki, Addanki (M),
Prakasam District.
6 C. Gowri Parvathi, W/o. Sesharao,
R/o. North Addanki, Addanki (M),
Prakasam District.
7 B. Santhakumari, W/o. Haribabu,
R/o. North Addanki, Addanki (M),
Prakasam District.
8 R. Ananthamma, W/o. Balli Anjaiah,
R/o. North Addanki, Addanki (M),
Prakasam District.
9 B. Anuradha, W/o. Muralidhar,
R/o. North Addanki, Addanki (M),
Prakasam District.
10 B. Nagendram, W/o. Swamulu,
R/o. North Addanki, Addanki (M),
Prakasam District.
11 R. Venkata Rathamma, W/o. Venkateswarlu,
R/o. North Addanki, Addanki (M),
Prakasam District.
12 S. Manjula, W/o. Suresh Babu,

R/o. North Addanki, Addanki (M),
Prakasam District.

13 K. Gadda Butchamma, W/o. Venkataratnam,
R/o. North Addanki, Addanki (M),
Prakasam District.

14 P. Ananthamma, W/o. Venkateswarlu,
R/o. North Addanki, Addanki (M),
Prakasam District.

15 P. Tulasamma, W/o. Subbarayudu,
R/o. North Addanki, Addanki (M),
Prakasam District.

16 A. Dhanalakshmi, W/o. Koteswararao,
R/o. North Addanki, Addanki (M),
Prakasam District.

17 K. Sriramamurthy, S/o. Raghuvulu,
R/o. North Addanki, Addanki (M),
Prakasam District.

18 K. Sridevi, W/o. Srinivasarao,
R/o. North Addanki, Addanki (M),
Prakasam District.

19 M. Seetha, W/o. Raghavaiah,
R/o. North Addanki, Addanki (M),
Prakasam District.

20 M. Ananthalakshmi, W/o. Paramdamaiah,
R/o. North Addanki, Addanki (M),
Prakasam District.

21 D. Ratnakumari, W/o. Raghavarao,
R/o. North Addanki, Addanki (M),
Prakasam District.

22 P. Ramadevi, W/o.
R/o. North Addanki, Addanki (M),
Prakasam District.

23 K. Nirmala, W/o. Veeraiah,
R/o. North Addanki, Addanki (M),
Prakasam District.

24 M. Anusha, W/o. Sureshbabu,
R/o. North Addanki, Addanki (M),
Prakasam District.

25 M. Venkataseshamma, W/o. Subbarao,
R/o. North Addanki, Addanki (M),
Prakasam District.

26 M. China Venkatasubbamma, W/o. China Venkata Subbaiah,
R/o. North Addanki, Addanki (M),
Prakasam District.

27 D. China Lakshmi, W/o. Narayanaswamy,
R/o. North Addanki, Addanki (M),
Prakasam District.

28 C. Vijaya Lakshmi, W/o. Venu,
R/o. North Addanki, Addanki (M),
Prakasam District.

29 C. Padmavathi, W/o. Venkatarao,

R/o. North Addanki, Addanki (M),
Prakasam District.

30 K. Dhanalakshmi, W/o. Sivaji,
R/o. North Addanki, Addanki (M),
Prakasam District.

31 K. Srinivas, S/o. Lakshmi Subbaiah,
R/o. North Addanki, Addanki (M),
Prakasam District.

32 S. Pushpavathi, W/o. Venkataswamy,
R/o. North Addanki, Addanki (M),
Prakasam District. **..... PETITIONERS**

AND

1 District Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Ongole, Prakasam District.
3 Mandal Revenue Officer, Addanki (M), Prakasam District.

**..... RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in contemplating to evict the petitioners and cancel their assignments of house sites in Sy.No. 543/1, of North Addanki Revenue Village is illegal, irregular, arbitrary, discriminatory, without authority and violative of Art. 14, 21 and 300A of Constitution of India and also the provisions of AP Board of Revenue Standing Orders and consequently direct the respondents not to interfere in any manner with possession, enjoyment and assignments of petitioners over their respective sites and pass such other orders or orders as the Honourable Court may fit and proper in the circumstances of the case

**Counsel for the Petitioner: MR.NARAM.NAGESWARA RAO**

**Counsel for the Respondents 1 to 3: G.P. FOR REVENUE**

**The Court made the following**

**ORDER:**

No representation on behalf of the petitioners.

(2) Heard the learned Government Pleader for Revenue, and perused the counter affidavit filed by the third respondent on behalf of respondents 1 to 3.

(3) The case of the petitioners is that they are assignees of house plots in Survey No.543/1 of North Addanki Revenue village and that respondents are highhandedly trying to evict them from the plots allotted to them without any cause.

(4) From the counter affidavit filed by the third respondent, on behalf of all the respondents, it is seen that Ac.22.52 cents of land in Survey Nos.543/1 and 543/3 was acquired for providing house sites to weaker sections of Addanki village and 656 beneficiaries were granted pattas during 2000 to 2004 and since a representation was given by the Ex-M.L.A. of Addanki, that several ineligible persons were granted pattas and are occupying the land, an enquiry was made and some of the assignees were found to be in possession of pucca houses elsewhere and only 41 plots are occupied by the assignees, and the remaining plots are lying vacant, and after enquiry, list of persons, who are not eligible for grant of pattas was prepared in which names of petitioners 1, 4, 5, 11 to 16, 20, 22, 24 to 27, 30 to 32 are not mentioned, and that none of the petitioners are in occupation of the sites allotted to them, and as an enquiry relating to eligible and ineligible patta holders is going

on, Collector passed orders restraining constructions in all the unoccupied plots, pending that enquiry. The allegation that respondents are high handedly trying to evict the petitioners is denied.

(5) Since the Collector, after completion of the enquiry, would cancel the pattas granted to ineligible persons and since petitioners, who are all granted pattas are said to be not in physical possession, and till cancellation of pattas (as per the result of enquiry) petitioners would be the owners of the plots allotted to them, they would be deemed to be possession of their patta property because the presumption is that possession follows title. So only such of those petitioners, if found not eligible for patta, would be evicted, following due process of law. Petitioners who are found eligible to retain pattas will not be disturbed.

(6) So, the writ petition is disposed of, with a direction to the respondents not to dispossess the petitioners from the plots allotted to them without taking recourse to due process of law, even if they are found to be ineligible for pattas in the enquiry that is being conducted by the Collector. No costs.

_____

**C.Y. SOMAYAJULU, J**

Date: 21st April, 2005

lsn

To

1 The District Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Addanki (M), Prakasam District.

4 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies